

Report to the Mayor and City Council, March 04, 2013

The Board of Supervisors of Elections (BSE) presented the 2013 Annual Report to the Mayor and City Council at the meeting on February 11, 2013. In response to the report, the Mayor and City Council requested the BSE present a follow-up of the following five items: 1) Language for the Ordinance for the Withdrawal of a Candidate, 2) Campaign Finance Reports, 3) Deadline for Campaign Finance Reporting Dates, 4) Voter database and 5) Campaign Guidelines pertaining to the use of the City Flag, Seal and Logo.

The BSE deliberated over each item and reviewed records to contribute to this report and recommendations. Supporting references are provided as appropriate.

1. Withdrawal of a Candidate The explanation and draft language for the Withdrawal of a Candidate was presented on February 11, 2013. The Mayor and Council accepted the proposed language which will now be introduced as an Ordinance for inclusion in Chapter 8 of the Rockville City Code as Section 8-8 to address withdrawal of candidates along with any other amendments that may be authorized by the Mayor and Council. The language for Withdrawal of Candidate is as follows:

Any candidate wishing to withdraw his or her candidacy must do so in person and in writing by filing a signed affidavit of withdrawal of candidacy with the City Clerk no later than the deadline for filing petitions for candidacy as set forth in Article III, Section 3 of the City Charter. Upon the timely filing of a signed affidavit of withdrawal of candidacy, the name of the person so withdrawing shall not be printed on the ballots unless the person files a new valid petition for candidacy by the deadline set forth in Article III, Section 3 of the City Charter. No candidate may withdraw his or her candidacy after the last date for accepting petitions has expired.

If a candidate dies prior to the deadline for filing a petition for candidacy has expired, that candidate's name shall not be printed on the ballots if a copy of the candidate's death certificate is filed with the City Clerk by the deadline for filing a petition for candidacy. If a candidate dies after the deadline for filing a petition for candidacy has expired, that candidate's name will remain on the ballot.

2. Campaign Finance Reports To learn the current policies and procedures, the BSE obtained numerous references including: Quest, P. (2011) *Best practices for state campaign-in finance disclosure 2010* and forms and directions from the State of Maryland, Frederick, Gaithersburg and Laurel. Also available are comments received from interested citizens and the minutes from the public meetings in 2013.

Recommendation: After review of the documents, the BSE will determine appropriate action and, pursuant to 8-82 of the City Code, revise selected forms and instructions for distribution in the 2013 Candidate Information Election Packet.

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3. Deadline for Campaign Finance Reporting Dates: The BSE reviewed the decision to leave the submission deadline unchanged. No new or compelling information was found to change the decision.

Recommendation: The BSE continue to support the existing deadline for data submission.

4. Voter Database In response to the request from the Mayor and City Council, verification was obtained from the Montgomery County Board of Elections on the format and cost to obtain the database. The following procedure exists:
- a. There are forms in place to request the database available on the website as well as at the Montgomery County Board of Elections.
 - b. The database is a product of Montgomery County Board of Elections and the fee for purchase of \$78 is paid directly to the Montgomery County Board of Elections.
 - c. A duplicate or updated database is available from Montgomery County Board of Elections upon request for a fee of \$78.
 - d. The Montgomery County Board of Elections will not create a unique database according to requested specifications.
 - e. The Montgomery County Board of Elections will answer basic questions related to the database.

Since the City does not own the database and cannot correct it, the BSE had recommended that the City stop distributing this database. Based on the discussion with the Mayor and Council, the BSE has revised its recommendation as follows:

The City will continue to provide the database one time only if requested in writing using the form provided in the 2013 Candidate Information Election Packet. This database would be the database the Clerk's office obtains from the County in June during the election cycle. If the requester wants additional or updated copies or assistance with the database, he/she must get it directly from the Montgomery County Board of Elections, which produces the database.

Recommendation: The BSE continue its current practice of providing the database one-time only during the election cycle in June. The stated procedures to obtain the June database and any updates of the database from Montgomery County Board of Election and the City of Rockville will be included in the 2013 Candidate Information Election Packet. The BSE will consider assessing a nominal fee for time and materials for providing the June database beginning after the 2013 election.

5. Change to Campaign Guide pertaining to use of City Flag, Seal and Logo The BSE explored the procedures related to use of the City Flag, Seal and Logo and found the policy is currently under review by the Communications Department of the City Manager's office.

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Recommendation: When the final policy becomes available, the BSE will include the appropriate information in the revised 2013 Candidate Information Election Packet.